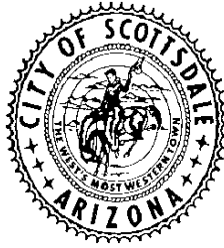


Approved April 8, 2003



**MINUTES  
SCOTTSDALE PLANNING COMMISSION  
KIVA – CITY HALL  
3939 N. DRINKWATER BOULEVARD  
MARCH 25, 2003**

**PRESENT:** David Gulino, Chairman  
James Heitel, Commissioner  
Kay Henry, Commissioner  
Tony Nelssen, Commissioner  
Kevin Osterman, Commissioner  
Steve Steinberg, Commissioner

**STAFF:** Pat Boomsma  
Randy Grant  
Kurt Jones  
Jerry Stabley  
Cheryl Sumners  
Al Ward

**CALL TO ORDER**

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:00 p.m.

**ROLL CALL**

A formal roll call confirmed members present as stated above.

**OPENING STATEMENT**

**COMMISSIONER OSTERMAN** read the opening statement which describes the role of the Planning Commission and the procedures used in conducting this meeting.

**CHAIRMAN GULINO** requested they observe a moment of silence in support of the troops overseas.

**ELECTION OF VICE CHAIR**

**APPROVED**

**COMMISSIONER OSTERMAN NOMINATED STEVE STEINBERG TO SERVE AS VICE CHAIRMAN OF THE PLANNING COMMISSION. SECOND BY COMMISSIONER HENRY.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**MINUTES APPROVAL**

February 11, 2003  
February 26, 2003

**COMMISSIONER OSTERMAN MADE A MOTION TO APPROVE THE FEBRUARY 11, 2003 AND FEBRUARY 26, 2003 MINUTES AS PRESENTED. SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**AMENDING THE COMMISSION BY-LAWS**

**CHAIRMAN GULINO** stated this request is to amend the Planning Commission by-laws to meet on Wednesday evenings (rather than Tuesdays) starting April 23, 2003.

**COMMISSIONER OSTERMAN** stated if the Commission changes the meeting to April 23<sup>rd</sup> he would not be able to attend. He further stated April 22<sup>nd</sup> was scheduled to be his last meeting.

**COMMISSIONER HENRY** stated she would suggest the Commission amend the by-laws effective the first meeting in May to allow Commissioner Osterman to attend his last meeting.

**COMMISSIONER HENRY MOVED TO AMEND THE PLANNING COMMISSION BY-LAWS TO MEET ON WEDNESDAY EVENINGS (RATHER THAN TUESDAYS) STARTING THE FIRST HEARING IN MAY ON May 14, 2003. SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**CONTINUANCES**

16-UP-1997#2 (Danny's Car Wash - Shea) request by Deutsch Associates, applicant, Pinnacle & Pima LLC, owner, to amend an existing use permit for an automated carwash on a 2.5+/- acre parcel located at 7373 E Shea Boulevard with Central Business District (C-2) zoning. **Continued to a date to be determined.**

(CHAIRMAN GULINO DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

APPROVED

17-UP-1997#2 (Danny's Car Wash - Shea) request by Deutsch Associates, applicant, Pinnacle & Pima LLC, owner, to amend an existing use permit for a service station on a 2.5+/- acre parcel located at 7373 E Shea Boulevard with Central Business District (C-2) zoning. **Continued to a date to be determined.**

(CHAIRMAN GULINO DECLARED A CONFLICT AND DID NOT PARTICIPATE IN THE VOTE.)

**COMMISSIONER OSTERMAN MOVED TO CONTINUE CASES 16-UP-1997#2 AND 17-UP-1997#2 TO A DATE TO BE DETERMINED. SECOND BY COMMISSIONER HEITEL.**

**THE MOTION PASSED BY A VOTE OF FIVE (5) TO ZERO (0) WITH CHAIRMAN GULINO ABSTAINING.**

### **INITIATION**

2-UP-2003 (C.A.P. Basin Park) request to initiate a Municipal Use Master Site Plan for a City Park on 80+/- acres located at the northeast corner of Hayden and Bell Roads with Townhouse Residential, Planned Community Development (R-4 PCD) zoning.

**MR. WARD** presented this case as per the project coordination packet. Staff recommends the initiation.

**VICE CHAIRMAN STEINBERG** inquired if they contracted with the Thunderbirds for it to be used for parking or is it on a year to year basis. Mr. Ward stated there is an agreement between the City of Scottsdale and the TPC for parking on this site during the Phoenix Open so the park plan would have to recognize during one week of the year there would be parking on this property.

Vice Chairman Steinberg inquired how the surrounding vacant property around the perimeter would be developed. Mr. Ward stated the surrounding property is essentially developed.

**COMMISSIONER HEITEL MOVED TO INITIATE CASE 2-UP-2003. SECOND BY COMMISSIONER OSTERMAN.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

### **EXPEDITED AGENDA**

1-AB-2003 (Modifying 110th Place) request by Zahnow Homes, applicant, Larry Clark, owner, to abandon a cul-de-sac right-of-way and replace with a new cul-de-sac right-of-way located south of Cave Creek Road and East of 110th Street.

**MS. SUMNERS** presented this case as per the project coordination packet. Staff recommends approval, subject to the owner dedicating the new cul-de-sac right-of-way.

**COMMISSIONER NELSEN** inquired if there is enough square footage on this parcel for another split will they be required to have a archeological survey if it comes through for another lot split. Ms. Sumners replied in the affirmative stating that is part of the lot-split process to provide that.

**CHAIRMAN GULINO** inquired who is responsible for improving the little leg that goes from the southern property line to 110<sup>th</sup> Street. Will the applicant finish his road out to 110<sup>th</sup>? Ms. Sumners stated that currently the City Code does not require street improvements by single family property owners. Chairman Gulino inquired when was the original lot split done. Ms. Sumners stated in 2000.

**VICE CHAIRMAN STEINBERG MOVED TO FORWARD CASE 1-AB-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL SUBJECT TO THE OWNER DEDICATING THE NEW CUL-DE-SAC RIGHT-OF-WAY. SECOND BY COMMISSIONER HENRY.**

**THE MOTION PASSED BY A VOTE OF (6) TO ZERO (0).**

**CHAIRMAN GULINO** stated he has experience in that area and his research has shown Rancho Santa Fe did not get stipulated to do a lot. He further stated that he does not he expects this guy to make up the difference, but there are some gaps because of Ranch Santa Fe and as other cases come in this area, they might want to keep an eye out for some of those things.

#### **NON-ACTION ITEM**

47-PA-2003 (Downtown Ordinance) discussion on the text amendment to create a Downtown Overlay.

**MR. STABLEY** presented a brief overview of the proposed Downtown Overlay. He stated there have been a lot of unresolved issues in the downtown and the goals are to create a downtown overlay that addresses several of those issues. He presented information on why use an overlay in this area. He discussed the potential topics for the downtown overlay. He reviewed the parking issues in the downtown. He reviewed the issues with tattoo parlors. He discussed goals to allow residential throughout the downtown. He stated staff would come back to the Planning Commission in May with an ordinance and it would go before the City Council in June.

**COMMISSIONER NELSEN** requested staff provide the Commission with a list of unintended consequences of the goals. He stated he has concerns regarding allowing 5,000 square foot additions with no additional parking because of the possible unintended consequences. He further stated he felt that area needed to be looked at again.

Commissioner Nelsen stated he felt they should use another word other than body decorations.

**COMMISSIONER HENRY** stated she would agree with Commissioner Nelsen that there could be problems as a result of allowing the addition of 5,000 square feet without the requirement for additional parking. Maybe not in retail but would definitely create a

problem in office because you would be adding more employees. She further stated she would suggest they look at the type of space.

Commissioner Henry stated with regard to massage parlors legitimate masseurs are required to have licensing so that is something the City should look at.

Commissioner Henry stated she felt they should use the term parking ratio rather than blended parking rates.

Commissioner Henry commented she is looking forward to the proposed ordinance because she felt it is something they need.

**VICE CHAIRMAN STEINBERG** inquired if staff had considered some pedestrian only streets where they would prohibit traffic during certain key times of the week and weekends. Mr. Stabley stated they do close off the streets for special events but they would hesitate to do that on a more permanent basis.

Vice Chairman Steinberg inquired if there would be continuity with how they guide pedestrians and parking with the canals project. Mr. Stabley replied in the affirmative stating that is something they are focusing on.

Vice Chairman Steinberg stated he felt the mixed use in residential would be good for the downtown. He inquired if the City owns any land that could be used for residential or mixed use in this area. Mr. Grant replied they do not have any City owned land that could be used for residential.

**MR. GRANT** stated regarding the previous question of allowing businesses to expand without requiring additional parking because there may be parking pressures in addition to what they already have. He further stated the City is in the process of providing two additional parking opportunities and contemplating another in addition to providing structured parking and surface parking that does not currently exist.

**COMMISSIONER HEITEL** inquired if any of the proposed goals have come from any of the downtown focus groups. Mr. Stabley replied in the affirmative noting they have had extensive dialogue with the downtown groups and a lot of the goals have come from those discussions.

Commissioner Heitel commented he is very supportive of the residential component in the downtown. He further commented he would caution them not to try and over manage the entertainment areas of the downtown and allow the market place to create its own vibrancy. He added downtown areas have a certain synergy that is not planned. Mr. Grant stated that is an excellent point and in fact, there is recognition of the importance of the entertainment industry in the downtown but they want to ensure that they do not lose the gallery district.

**VICE CHAIRMAN STEINBERG** stated it would be nice if they could have a gallery district and an entertainment district and the two don't meet. He further stated it would be wonderful if they could make districts out of some of these areas that are in essence becoming districts on their own. Mr. Grant stated that is also a great point. He stated

the Stetson Plaza has evolved into a night time entertainment zone and there have been discussions regarding closing off the street at night to create a safe environment so that you would not have cars going through creating conflicts. He further stated that is something worth exploring.

**CHAIRMAN GULINO** stated his office is right in the middle of several of the bars in this area and some of the bars do a good job cleaning up and policing themselves but he felt there needs to be a mechanism in place to encourage people to follow the rules. He further stated he would suggest staff consider requiring a use permit for after hour places.

Chairman Gulino stated he would request staff provide the Planning Commission with a report that gives them an indication of what is going on in these areas relative to drunk disorderly conduct or things like people passed out in allies etc.

Chairman Gulino stated they might also want to consider requiring a use permit for DJ's. He further stated with regard to the statement of gearing portions of the downtown to the tourists, which he supports, but he does not want them to forget about the year round residents. He requested they keep the plan sensitive to the year round residents.

Chairman Gulino requested an overview of the in-lieu parking program. Mr. Stabley provided a brief history and overview of the in-lieu parking program. Chairman Gulino commented he felt the concept was great but felt there might be a better mechanism. Mr. Grant stated he would agree that there could be other ways the could approach the in-lieu parking program. He further stated he would agree that they need to balance the needs of the tourists and the year round residents. He added those comments are well taken. He noted they also want to encourage fine dining in the downtown so that will require different ways of managing those areas.

**COMMISSIONER HENRY** stated as part of the parking evaluation she would encourage linking the trolley service with the parking lots so that no matter where you park you can still get to where you are going.

**CHAIRMAN GULINO** stated with regard to allowing 5,000 square foot expansion with no additional parking could create a loop hole where someone could request a 5,000 square foot expansion and six to twelve months later come in for an addition 5,000 square foot expansion as a way to avoid having to provide additional parking.

Chair Gulino stated he is supportive of the residential component. He reminded the Commission that they do not have to solve everything tonight because they will have a lot of opportunities to go over this.

#### **WRITTEN COMMUNICATION**

There was no written communication.

#### **ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 6:08 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

**APPROVED**